IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

Crl.MC.No. 433 of 2007()

AGAINST THE ORDER IN INCP 187/2006 IN
CP.26/2005 of JUDL.MAGISTRATE OF FIRST CLASS, MAVELIKKARA

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PETITIONER/A2:

ANAND, S/O. VIKRAMAN NAIR
JAYA NIVAS, PIPINMOODU
GOLFLINKS ROAD, SASTHAMANGALAM
TRIVANDRUM.

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.RENJITH B.MARAR

RESPONDENTS/COMPLAINANT:

THE S.I. OF POLICE, NURANADU POLICE STATION
REP. BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 20/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 433 of 2007

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Dated this the 20th day of February, 2007

O R D E R

The petitioner faces indictment in a prosecution under Sections 8 and 55 of the Kerala Abkari Act. Petitioner is the second accused. He had appeared before the learned Magistrate on 30.3.2006. The petitioner was released on bail. But the petitioner was directed to produce certificate from the Village Officer relating to one of the sureties offered. The petitioners could not produce such certificate. The petitioner did not thereafter appear before the learned Magistrate. Warrant of arrest is pending against him. The case has been transferred to the list of long pending cases. The petitioner, in these circumstances, has come to this Court with this petition under Section 482 Cr.P.C. for a direction that the petitioner's application for bail may be considered on merits, in accordance with law and expeditiously.

2. It is certainly for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate

would not consider the application for bail on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued by this Court in the decision in **Alice George** v. **Dy.S.P. of Police** (2003 (1) KLT 339). The petitioner's application must be disposed of in accordance with law by the learned Magistrate. Steps, if any, taken by the learned Magistrate in the matter is not clear to the Court. I make it clear that I expect the learned Magistrate to dispose of the petition only in accordance with law and expeditiously.

3. This Crl.M.C. is accordingly dismissed, but subject to the above observations/directions. I may hasten to observe that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

(R. BASANT)
Judge

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